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REMARKS

The specification has been amended as suggested by the Examiner to provide antecedent basis for the limitation that "the spacer cushion pads are constructed and arranged to stand out distinctly relative to the transition piece". The specification recites that the spacer cushion pads and the transition piece extend outwardly from the outer surface of the sock and that the spacer cushion pads are thicker than the transition piece. The structure is clearly shown in Figure 2 and no new matter has been added.

Claim 1 has been amended to more particularly point out the present invention by adding that the spacer cushion pads and the transition piece extend outwardly from the outer surface of the sock. The dependency of claims 3, 4, 11, 14, 15 and 17 has been corrected. Claims 2, 9, 16 and 20 were previously cancelled. Claims 1, 3-8, 10-15, 17, 18 and 19 remain for consideration.

Claims 1, 6, 8, 10, 11, 15 and 17 were rejected as being anticipated by Etienne 4,811,727. The amendments to claim 1 are considered to overcome this rejection. As noted previously, the stocking 1 of Etienne is comprised of flexible elastic fibers. There is a zone 6, which completely covers the toes (column 4 lines 4-7). The stocking 1 has a means of support embedded into its thickness. The means of support are two pads 10, 11, which are bean-shaped and which fill up the retro-malleolar cavity 12, 13 on either side of the body 14 of the Achilles tendon (column 4 lines 42-46). These pads 10, 11 are on the inside of the stocking 1 and fit closely into the anatomy of the two depressions besides the body 14 of the Achilles tendon (column 4 lines 50-53 Figure 1 and 2).

Comparing the pads 10, 11 of Etienne with the two spacer cushion pads 24, 25 of the present invention, it can be clearly seen from the description and the drawings that the pads of

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Etienne are on the inside of the stocking and are designed to fill the depression besides the Achilles tendon. Therefore, the pads 9, 10, 11 of Etienne level out the difference between the depressions and the Achilles tendon, which sticks out. On the contrary, the two spacer cushion pads 24, 25 and the transition piece 26 of the present invention are designed in such a manner that they stand out distinctly relative to the outer surface of the sock and the spacer cushion pads extend outwardly further than the transition piece 26, as described in paragraph 15 and shown in Figure 2. The spacer cushion pads are thicker than the transition piece. Therefore, the two spacer cushion pads 24, 25 of the present invention stand out relative to the Achilles tendon, whereas pads 10, 11 of Etienne try to fill the depression besides the Achilles tendon to create a regular surface.

The structure of Etienne is different from that of Claims 1, 6, 8, 10, 11, 15, and 17.

These claims are patentably distinct from Etienne and should be allowed.

Claims 1-3, 6, 11 and 12 define an invention not taught by Haanen. Haanen describes a stocking type ankle protector 1 for football players. The Haanen patent shows two cylindrical cushions 2, 3, which are fitted to the inner wall of the protector 1. The cushions 2, 3 are pushed into pockets 4, 5 (page 4, paragraph 2). These pockets 4, 5 are situated so that when the protector 1 is on the foot, the cushions 2, 3 lie between the ankle bone and the Achilles tendon (page 2, paragraph 3 to page 3, paragraph 1). Alternatively, the cushions 2, 3 are joined by a bridge piece 6 so that the bridge piece 6 and the cushions 2, 3 fit in a single pocket 7 at the rear of the protector 1 (page 4, paragraph 3).

A comparison of the present invention and the Haanen patent shows that the protector 1

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of Haanen uses a similar principle to Etienne, which is described above. The cushions 2, 3 of Haanen fill the depression besides the Achilles tendon, too. The cushions 2, 3 do not stand out with respect to the outer side of the sock, as described and shown in the present invention, but dip into the retro-malleolar cavity. On the contrary, the two spacer cushion pads 24, 25 of the present invention are designed in such a manner that they stand out distinctly or extend outwardly further from the surface of the sock than the transition piece 26. The spacer cushion pads of the present invention achieve a spacing between the Achilles tendon and the shoe. Consequently, with the present invention rubbing and sliding stresses can be kept away for the Achilles tendon. Haanen does not anticipate the invention as defined in claims 1, 3-6, 11 and 12. These claims are patentable and should now be allowed.

Claims 4, 5, 7, 8, 10, 13-15 and 17-19 were rejected as being unpatentable over Haanen in view of Lambertz. Applicant submits that present claims 4, 5, 7, 8, 10, 13-15, and 17-19 are patentable over the combination of Haanen and Lambertz. The deficiencies of Haanen have been noted above with respect to claim 1. Each of claims 4, 5, 7, 8, 10, 13-15 and 17-19 are dependent upon or based upon claim 1. Haanen fails to teach the combination in a sock of two spacer cushion pads and a transition piece, constructed and arranged such that the spacer cushion pads stand out distinctly relative to the transition piece, with both the spacer cushion pads and the transition piece extending outwardly from the outer surface of the sock. This basic deficiency of Haanen is not remedied by Lambertz. The combination of Haanen and Lambertz proposed by the Examiner would not result in the sock defined in claim 1. The claims dependent upon claim 1 are patentable for the reasons stated above with respect to claim 1. Claims 4, 5, 7, 8, 10, 13-15,

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17, 18 and 19 patentably distinguish over the combination of Haanen and Lambertz and should be allowed.

Favorable reconsideration and allowance of this application are solicited.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper and its attachments are being transmitted by facsimile transmission to Fax No. (571) 273-8300 to the United States Postal Service on November 20, 2007.

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